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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,108	03/29/2004	Robert Lee Donovan	BA/Div App	1513
26860	7590	11/30/2005	EXAMINER	
LAW OFFICE OF DUNCAN PALMATIER 530 SOUTH ASBURY SUITE 5 MOSCOW, ID 83843			BURCH, MELODY M	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,108

Applicant(s)

DONOVAN, ROBERT LEE

Examiner

Melody M. Burch

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 9 show(s) modified forms of construction in the same view. Page 7 lines 23-25 discloses different damper placement alternatives, but figure 9 shows all the placements in one figure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "40" has been used to designate both archery bow on pg. 7 line 23 and finned wrap around damper on pg. 8 line 11. Corrected drawing sheets in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "40" on pg. 8 have both been used to designate the wrap around damper. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element number 54 in figure 8b is not in the specification. Corrected

drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 5-6 from the bottom of claim 17 the fins are recited as being "not constrained", however in claim 18 the fins are recited as being joined by a stabilizing ring which one of ordinary skill would interpreted as a means of constraining the fins. Clarification is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 17 and 18 are rejected under 35 U.S.C. 102(e2) as being anticipated by US Patent 6718964 to Graf.

Re: claim 17. Graf shows in figures 1, 6, and 7a vibration damping device for an archery bow 22 comprising an archery bow with a cylindrical projection 16 as shown in figures 1 and 6, a vibration damper 17 formed of a single piece of elastomeric material as shown in figures 6 and 7 and disclosed in col. 4 lines 56-57 and having a cylindrical, ring shaped base with an inner cylindrical ring surface, and an axis along the length of the cylindrical ring shaped base and a radius from the axis to the inner cylindrical ring

surface as shown in figure 7, the damper further comprising a plurality of fins shown between elements 31 in figure 7 extending from the ring shaped base in a radial direction from the axis, wherein each of the plurality of radial fins has a fin base at a proximal end of the fin at the ring base and a fin tip at a distal end of the fin, and wherein the radial fins are not constrained as shown and are free to vibrate and wherein the distance between the proximal end and the distal end of the fins is at least as great as the radius as shown in figure 7, and wherein the inner cylindrical ring surface fits over the cylindrical projection 16 of the archery bow.

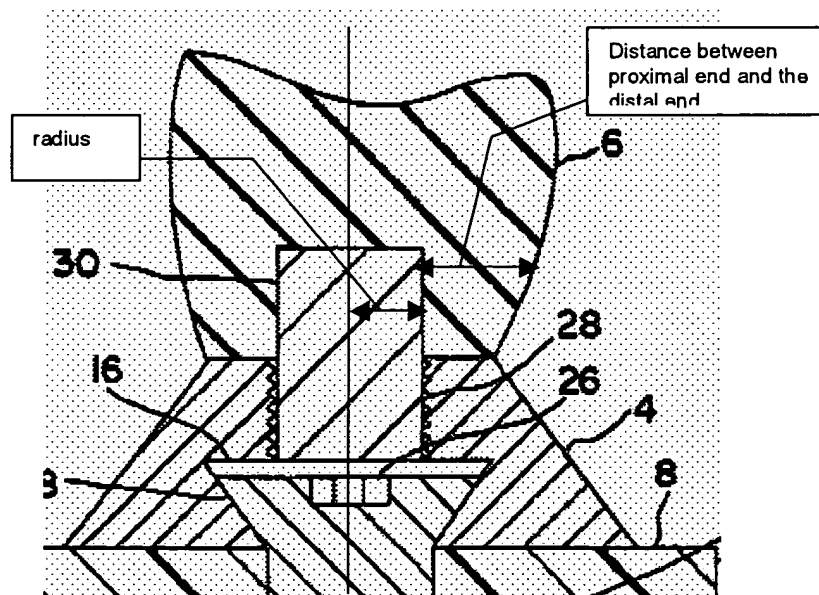
Re: claim 18. Graf shows in figure 7 wherein the radial fins have a middle portion shown radially outside of the perforated line in figure 7 between the ring shaped base and the fin tips wherein the middle portion is concentric with the ring shaped base, and wherein a concentric cylindrical stabilizing ring 21 (at least a central portion between the inner and outer circumferences of the ring) is located in the middle portion and joins the radial fins (by virtue of element 21 forming an integral part of element 17 since the claim language does not preclude the ring being concentrically arranged in a plane other than that in which the fins are located).

10. Claims 17 and 19 are rejected under 35 U.S.C. 102(e2) as being anticipated by US Patent 6526957 to Leven.

Re: claim 17. Leven shows in figure 1 a vibration damping device for an archery bow comprising an archery bow 2 with a cylindrical projection 20,30, a vibration damper 6 formed of a single piece of elastomeric material as disclosed in col. 2 lines 64-66 and

having a cylindrical, ring shaped base with an inner cylindrical ring surface, and an axis along the length of the cylindrical ring shaped base and a radius from the axis to the inner cylindrical ring surface as labeled in the marked up copy of figure 3 on this page, the damper further comprising a plurality of fins shown in the area of the lead line of number 6 shown in figure 2 extending from the ring shaped base in a radial direction from the axis, wherein each of the plurality of radial fins has a fin base at a proximal end of the fin at the ring base and a fin tip at a distal end of the fin, and wherein the radial fins are not constrained and are free to vibrate and wherein the distance between the proximal end and the distal end of the fins is at least as great as the radius as shown in the marked-up copy of figure 3 below, and wherein the inner cylindrical ring surface fits over the cylindrical projection or portion 30 of the cylindrical projection of the archery bow.

Re: claim 19. Leven shows wherein the cylindrical projection of the archery bow is a mounting cup 26 sized to be disposed within the inner ring surface of the vibration damper.



Allowable Subject Matter

11. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No foam is inserted in mounting cup 26 of Leven and there is no reason besides hindsight to have modified the cup to have included foam.

Response to Arguments

12. Applicant's arguments filed 9/15/05 have been fully considered but they are not persuasive. Applicant argues that elements 19 are not fins and that they are not elastomeric. Examiner notes that elements 19 are not incorporated in the current rejection. Applicant also argues that Leven never discloses fins. Fins are defined by Webster's Collegiate dictionary 10th Edition as "projecting ribs". Since the elements in the area of the lead line of number 6 are projecting ribs, they are properly considered to be fins. The claimed dimension of the fins relative to the radius is illustrated in the marked-up copy of figure 3 included in the office action. The cylindrical aspect of the ring base is shown in the view of figure 4. Accordingly, the rejections have been maintained.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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November 23, 2005

Melody M. Buch
11/23/05